

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Office Action dated May 9, 2007 has been received and its contents carefully reviewed.

Claims 1-16 are pending. Claims 5-9 and 12-16 are withdrawn from consideration. Reexamination and reconsideration of the pending claims are respectfully requested.

Claims 4 and 11 are rejected under 35 U.S.C. §112, second paragraph because the limitation “diphenylphosphino” allegedly has insufficient antecedent basis in the claims. Applicant respectfully traverses the rejection and requests reconsideration. As recited in independent claims 1 and 2, the “compound represented by the general formula $(R_1R_2)P-(R)_n-Si(X_1X_2X_3)$ ” has “aromatic rings or alkyl-groups containing aromatic rings.” Therefore, Applicant respectfully submits that the diphenylphosphino moiety has proper and sufficient antecedent basis.

The Office states on page 5 of the last Office action that “aromatic rings or alkyl groups containing aromatic rings” is directed to the identity of the variable (R) and not to the identity of R_1 or R_2 . Applicant respectfully submit that the “phenyl” group as recited in claims 4 and 11 may be represented by the variable (R) and need not be represented by R_1 or R_2 . Further, independent claims 1 and 2 each recite “n is an integer from 1 to 6” thus, (R) is not limited to a single group. That is, the compounds as recited in claims 4 and 11 may be properly represented by the general formula as recited in independent claims 1 and 2, respectively. Accordingly, Applicant hereby requests withdrawal of the rejection of claims 4 and 11, which depend from claims 1 and 2, respectively.

Claims 1-4 and 10-11 are rejected under 35 U.S.C. §102(b) as being anticipated by Krocher et al., Journal of Catalysis, 1998, 178, p. 284-298 (hereinafter “Krocher”). The rejection is respectfully traversed and reconsideration is requested.

Independent claims 1 and 2 are allowable over Krocher in that the claims each recite a combination of elements including, for example, “the material prevents copper diffusion.” Krocher does not teach at least these features of the claimed invention. In contrast, Krocher is merely drawn to sol-gel derived hybrid materials for catalytic synthesis. *See* Abstract. Krocher is completely silent with respect to any copper-related properties of any disclosed compounds.

The Examiner alleges on pages 7 and 8 of the last Office Action that Krocher discloses the same product as claimed and that a compound and its properties are inseparable. However, Krocher merely discloses compounds and does not disclose the material as claimed. In the present invention, "copper diffusion" is prevented by the manner in which the compound is bonded to the substrate to form the material. *See*, for instance, Example 1 of the present invention. That is, preventing "copper diffusion" is not an inherent property of the compounds disclosed in Krocher. Accordingly, Applicant respectfully submits that Krocher does not disclose the present claim limitations and that claim 1, claims 3 and 4, which depend therefrom, claim 2 and claims 10 and 11, which depend therefrom, are allowable over Krocher.

Claims 1-3 and 10-11 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,726,809 to Allum et al. (hereinafter "Allum"). The rejection is respectfully traversed and reconsideration is requested.

Independent claims 1 and 2 are allowable over Allum in that the claims each recite a combination of elements including, for example, "the material prevents copper diffusion." Allum does not teach at least these features of the claimed invention. In contrast, Allum is merely drawn to catalyst support materials. *See* column 1, lines 38-43. Allum is also completely silent with respect to any copper-related properties of any disclosed compounds.

The Examiner alleges on page 6 of the last Office Action that Allum discloses the same product as claimed and that a compound and its properties are inseparable. However, Allum merely discloses silica containing trivalent phosphorus. *See* column 8, lines 28. In the present invention, "copper diffusion" is prevented by the manner in which the compound is bonded to the substrate to form the material. *See*, for instance, Example 1 of the present invention. That is, preventing "copper diffusion" is not an inherent property of the compounds disclosed in Allum. Accordingly, Applicant respectfully submits that Allum does not disclose the present claim limitations and that claim 1, claim 3, which depends therefrom, claim 2 and claims 10-11, which depend therefrom, are allowable over Allum.

The application in condition for allowance and early, favorable action is respectfully solicited. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: August 6, 2007

Respectfully submitted,

By: Mark R. Kresloff (Reg. No. 46,522)
Mark R. Kresloff
Registration No.: 42,766
MCKENNA LONG & ALDRIDGE LLP
1900 K Street, N.W.
Washington, DC 20006
(202) 496-7500
Attorneys for Applicant